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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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ALTHEA M. COLEMAN,

Plaintiff,

No. 1:16-cv-01026-FJS-DEP

v.

NANCY A. BERRYHILL,¹ ACTING
COMMISSIONER OF SOCIAL SECURITY,

CONSENT ORDER TO REMAND
PURSUANT TO SENTENCE 4 OF
42 U.S.C. § 405(g)

Defendant.

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This matter having been opened to the Court by Richard S. Hartunian, United States Attorney for the Northern District of New York, and Emily M. Fishman, Special Assistant United States Attorney, attorneys for the Defendant, for an Order remanding the within cause of action to the Defendant pursuant to sentence 4 of 42 U.S.C. § 405(g) so that further administrative action may be taken; and Plaintiff, through the undersigned attorneys, having consented to the within order and the requested remand; and the Court having considered the matter,

¹ Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Nancy A. Berryhill should be substituted for Acting Commissioner Carolyn W. Colvin as the defendant in this suit. No further action needs to be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

IT IS on this 2nd day of March, 2017;

ORDERED that the final decision of the Commissioner be and hereby is REVERSED, and the matter is REMANDED to the Defendant for further administrative action including a *de novo* hearing, and it is further

ORDERED that the within matter, be and hereby is, DISMISSED, and the Clerk is hereby directed to enter judgment, in accord with the decision in *Melkonyan v. Sullivan*, 501 U.S. 89 (1991).



Frederick J. Scullin, Jr.
Senior U. S. District Judge

The undersigned hereby consent to the form and entry of the within order.

RICHARD S. HARTUNIAN
United States Attorney

BY: /s/ Emily M. Fishman
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